UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,232	03/26/2004	David Edward Stewart	50037.228US01	9007

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EXAMINER
SMITH, SHEILA B

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/811,232	STEWART ET AL.
	Examiner	Art Unit	
	Sheila B. Smith	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>26 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Mathis (Patent

Publication Number 2003/0083046)

Regarding claims 1, Mathis discloses essentially all the claimed invention as set

fourth in the instant application, further Mathis discloses Multicast distribution of presence

information for an instant messaging system . In addition Mathis discloses a computer-

implemented method for providing Instant Message (IM) presence information through a client

application on a mobile device, comprising: receiving a request from the client application for

the IM presence information (which reads on paragraph 0005); initiating communication with the

client application in response to the request from the client application (which reads on

paragraph 0005); searching an IM application for the IM presence information requested (which

reads on exacting); and forwarding the IM presence information to the client application when

the IM presence information is located, such that the IM presence information is integrated with

the client application (which reads on paragraph 0006).

Regarding Claim 2, Mathis discloses everything claimed, as applied above (see claim 1)

additionally, Mathis discloses wherein receiving a request from the client application further

comprises receiving a request for a previously identified contact that is associated with the client

application (which reads on paragraph 0005).

Regarding Claim 3, Mathis discloses everything claimed, as applied above (see claim 2)

additionally, Mathis discloses searching the IM application further comprises searching a buddy

list associated with the IM application for the previously identified contact (which reads on

paragraph 0005).

Regarding Claim 4, Mathis discloses everything claimed, as applied above (see claim 2)

additionally, Mathis discloses searching the IM application further comprises searching a

contacts application for an entry corresponding to the previously identified contact, wherein the

entry of the contacts application has a first parameter that matches a second parameter within an

entry of a buddy list associated with the IM application (which reads on paragraph 0005).

Regarding Claim 5, Mathis discloses everything claimed, as applied above (see claim 1)

additionally, Mathis discloses initiating communication further comprises providing the client

application with a unique identifier that uniquely identifies the client application (which reads on

paragraph 0005).

Regarding Claim 6, Mathis discloses everything claimed, as applied above (see claim 1)

additionally, Mathis discloses initiating communication further comprises generating a message

queue and providing the client application a copy of the queue, such that communication with the

client application is synchronized (which reads on paragraph 0005).

Regarding Claim 7, Mathis discloses everything claimed, as applied above (see claim 1)

additionally, Mathis discloses integrating the IM presence information with the client application

further comprises publishing the IM presence information in a user interface associated with the client application (which reads on paragraph 0005).

Regarding Claim 8, Mathis discloses essentially all the claimed invention as set fourth in the instant application, in addition Mathis discloses the software architecture for providing Instant Message (IM) presence information through a client application on a mobile device, comprising an IM application, wherein the IM application includes a buddy list (which reads on paragraph 0005); an IM server that is arranged to receive a request from the client application for the IM presence information (which reads on paragraph 0005), initiate communication with the client application in response to the request from the client application (which reads on paragraph 0005), search an IM application for the IM presence information requested (which reads on extracting), and forward the IM presence information to the client application when the IM presence information is located, such that the IM presence information is integrated with the client application; and an application program interface that provides the IM server with access to the client application (which reads on paragraph 0006).

Regarding Claim 9, Mathis discloses everything claimed, as applied above (see claim 8) additionally, Mathis discloses a server is further arranged to receive a request for a previously identified contact that is associated with the client application (which reads on paragraph 0005).

Regarding Claim 10, Mathis discloses everything claimed, as applied above (see claim 9) additionally, Mathis discloses the IM server is further arranged to search a buddy list associated with the IM application for the previously identified contact (which reads on paragraph 0005).

Regarding Claim 11, Mathis discloses everything claimed, as applied above (see claim 9) additionally, Mathis discloses the IM server is further arranged to search a contacts application

for an entry corresponding to the previously identified contact, wherein the entry of the contacts

application has a first parameter that matches a second parameter within an entry of a buddy list

associated with the IM application (which reads on paragraph 0005).

Regarding Claim 12, Mathis discloses everything claimed, as applied above (see claim 8)

additionally, Mathis discloses the IM server is further arranged to provide the client application

with a unique identifier that uniquely identifies the client application (which reads on paragraph

0005).

Regarding Claim 13, Mathis discloses everything claimed, as applied above (see claim 8)

additionally, Mathis discloses the IM server is further arranged to generate a message queue and

providing the client application a copy of the queue, such that communication with the client

application is synchronized (which reads on paragraph 0005).

Regarding Claim 14, Mathis discloses everything claimed, as applied above (see claim 8)

additionally, Mathis discloses the IM server is further arranged to provide the IM presence

information to the client application such that the client application publishes the IM presence

information in a user interface associated with the client application (which reads on paragraph

0005).

Regarding Claim 15, Mathis discloses everything claimed, as applied above (see claim

15) additionally, Mathis discloses a system for providing Instant Message (IM) presence

information through a client application on a mobile device, comprising receive a request from

the client application for the IM presence information (which reads on paragraph 0005); initiate

communication with the client application in response to the request from the client application

(which reads on paragraph 0005); search an IM application for the IM presence information

requested (which reads on extracting); and forward the IM presence information to the client

application when the IM presence information is located, such that the IM presence information

is integrated with the client application (which reads on paragraph 0006).

Regarding Claim 16, Mathis discloses everything claimed, as applied above (see claim

15) additionally, Mathis discloses the application is further configured to receive a request for a

previously identified contact that is associated with the client application (which reads on

paragraph 0005).

Regarding Claim 17, Mathis discloses everything claimed, as applied above (see claim

16) additionally, Mathis discloses the application is further configured to search a buddy list

associated with the IM application for the previously identified contact (which reads on

paragraph 0005).

Regarding Claim 18, Mathis discloses everything claimed, as applied above (see claim

16) additionally, Mathis discloses the application is further configured to search a contacts

application for an entry corresponding to the previously identified contact, wherein the entry of

the contacts application has a first parameter that matches a second parameter within an entry of

a buddy list associated with the IM application (which reads on paragraph 0005).

Regarding Claim 19, Mathis discloses everything claimed, as applied above (see claim

15) additionally, Mathis discloses the application is further configured to provide the client

application with a unique identifier that uniquely identifies the client application (which reads on

paragraph 0005).

Regarding Claim 20, Mathis discloses everything claimed, as applied above (see claim

15) additionally, Mathis discloses a application is further configured to generate a message queue

and providing the client application a copy of the queue, such that communication with the client

application is synchronized (which reads on paragraph 0005).

Regarding Claim 21, Mathis discloses everything claimed, as applied above (see claim

15) additionally, Mathis discloses a application is further configured to provide the IM presence

information to the client application such that the client application publishes the IM presence

information in a user interface associated with the client application (which reads on paragraph

0006).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The

examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the

organization where this application or.proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

S. Smith
December 12, 2005